

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR KOSCIUSKO COUNTY)

Case No. 43S00-1112 -MS- 705

ORDER APPROVING AMENDED LOCAL RULES

The Judges of the Kosciusko Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Kosciusko Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR43-AR-1 and LR43-CR2.2-1 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR43-AR-1 and LR43-CR2.2-1 for Kosciusko Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective retroactive to January 1, 2011. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Duane G. Huffer, Kosciusko Superior Court 1, 121 North Lake Street, Warsaw, IN 46580-2785; the Hon. James C. Jarrette, Kosciusko Superior Court 2, 121 North Lake Street, 2nd Floor, Warsaw, IN 46580-2785; the Hon. Rex L. Reed, Kosciusko Circuit Court, 121 North Lake Street, 2nd Floor, Warsaw, IN 46580-2785; the Hon. Joe V. Sutton, Kosciusko Superior Court 3, 121 North Lake Street, 2nd Floor, Warsaw, IN 46580-2785; to the Clerk of the Kosciusko Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Kosciusko Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 20th day of December, 2011.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

RULE LR43 – AR -1

CIVIL CASE ASSIGNMENT

(A)

- (1) All cases which have case classification code MH shall be filed in the Kosciusko Circuit Court.
- (2) All cases which have case classification code JC, JD, JS, JP, JM and JT shall be filed in Kosciusko Superior Court No. 1.
- (3) All cases which have case classification code PL, CT, MI, RS, AD, AH, ES, EU, GU and TR may be filed in either Kosciusko Circuit Court or Kosciusko Superior Court No. 1; however, attorneys are strongly encouraged to file such cases on an alternating basis in Kosciusko Circuit and Kosciusko Superior Court No. 1.
- (4) All cases which have case classification code IF shall be filed in Kosciusko Superior Court No. 2.
- (5) All cases which have case classification code OV, OE, PO (except PO cases where a JP case is in existence involving the same parties which shall than be filed in the court having the JP case), and SC shall be filed in Kosciusko Superior Court No. 3.
- (6) One-fourth (1/4) of dissolution cases shall be filed in Kosciusko Superior Court No. 3.
- (7) One-fourth (1/4) of dissolution cases shall be filed in Kosciusko Circuit Court.
- (8) One-half (1/2) of dissolution cases shall be filed in Kosciusko Superior Court No. 1
- (9) Collection (CC) cases shall be filed in Kosciusko Superior Court No. 3 or Kosciusko Superior Court No. 2 with case assignment to be made by the Clerk in order that:
three fourths (3/4) are filed in Kosciusko Superior Court No. 3;
one-fourth (1/4) are filed in Kosciusko Superior Court No. 2;
- (10) Mortgage foreclosure cases shall be filed in Kosciusko Circuit Court and Kosciusko Superior Court No. 3 with case

assignment to be made by the Clerk in order that:
one-half (1/2) are filed in Kosciusko Circuit Court; and
one-half (1/2) are filed in Kosciusko Superior Court No. 3.

- (B) It may, from time to time, be expedient for the Judges of Kosciusko Circuit Court and Kosciusko Superior Courts to hear cases pending in the other Court.
 - (1) The Judge of Kosciusko Circuit Court authorizes the Judge of Kosciusko Superior Court No. 1 to sit as Judge of Kosciusko Circuit Court, at any time, in any case.
 - (2) The Judge of Kosciusko Superior Court No. 1 authorizes the Judge of Kosciusko Circuit Court to sit as Judge of Kosciusko Superior Court No. 1, at any time, in any case.
 - (3) The Judge of Kosciusko Superior Court No. 2 authorizes the Judge of Kosciusko Superior Court No. 3 to sit as Judge of Kosciusko Superior Court No. 2, at any time, in any case.
 - (4) The Judge of Kosciusko Superior Court No. 3 authorizes the Judge of Kosciusko Superior Court No. 2 to sit as Judge of Kosciusko Superior Court No. 3, at any time, in any case.
- (C) Senior judge services shall be allocated to the various courts of Kosciusko County to enable the judges of Kosciusko County to have vacation, sick days and attendance at judicial seminars and to allow continuance of cases and court duties in the absence of the elected judge.

LR43- CR2.2-1 Initial Case Assignment

(A) Initial case assignments are as follows:

- (1) All D and C Felonies
Thirty percent (30%) of D felonies shall be filed in the Kosciusko Circuit Court and should include any cases filed under Title 35, Article 48 (Controlled Substances)
Twenty percent (20%) of D felonies shall be filed in the Kosciusko Superior Court No. 1.
Ten percent (10%) of D felonies shall be filed in the Kosciusko Superior Court No. 2.
Forty percent (40%) of D felonies shall be filed in the Kosciusko Superior Court No. 3 and should include any cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.
Fifty percent (50%) of C felonies shall be filed in the Kosciusko Circuit Court and should include any cases filed under Title 35, Article 48 (Controlled Substances)
Thirty percent (30%) of C felonies shall be filed in the Kosciusko Superior Court No. 1.
Twenty percent (20%) of C felonies shall be filed in the Kosciusko Superior Court No. 3 and should include any cases filed under Title 9 (Traffic) and I.S. 35-46-1-5 through and including I.C. 35-46-1-7.
- (2) Felonies under Title 35-42-1 (Homicide) and I.C. 35-48(Controlled Substances) cases
All felonies filed under Title 35, Article 42, Chapter 1 (Homicide) and those filed under Title 35, Article 48 (Controlled Substances) shall be field in the Kosciusko Circuit Court.
(Amended effective January 1, 2005)
- (3) All other Felonies cases
All other felonies shall be assigned to the Kosciusko Superior Court No. 1 and Kosciusko Circuit Court on an alternating basis.
- (4) All Misdemeanors cases
All misdemeanors shall be assigned to the Kosciusko Superior Court No. 2.
- (5) All I.C. 31-6-4 (Juvenile) cases
All cases filed under Title 31, Article 6, Chapter 4 (Juvenile) of the Indiana Code shall be initially assigned to the Kosciusko Superior Court No. 1. In the event a child is waived into adult court, the case shall be reassigned to the appropriate court in accordance with the proceeding provisions of this rule.
- (6) Combination of Felony and Misdemeanor cases
In the event the case charges both felony and misdemeanor offenses, the case shall be considered a felony for the application of this rule.

LR43- CR2.2-1 Transfer of Criminal Cases

- (B)** The Judge in any Kosciusko Court, by appropriate order entered in the Record of Judgment and Orders, may transfer and reassign to any other court of record in the county with jurisdiction to hear the charged offense any pending cases subject to acceptance by the receiving court.